

**Proposed Decision to be taken by the
Portfolio Holder for Transport and Planning
on or after 23 January 2015.**

**Eclipse Road, Jephcott Close Alcester.
Proposed Waiting Restrictions**

Recommendations

That the Portfolio Holder for Transport and Planning approves that the Warwickshire County Council (District of Stratford on Avon) (Civil Enforcement Area) (Waiting Restrictions, on Street Parking Places and Residents Parking) (Consolidation) (Variation No 22) Order 2014 be implemented as advertised.

1.0 Key Issues

- 1.1 Proposals for parking restrictions on Eclipse Road and Jephcott Close, Alcester were published in the Stratford Herald and Alcester Chronicle on 2 October 2014. An objection has been received; the report considers the objection and recommends how it should be dealt with.
- 1.2 The statutory criteria for decisions on making Traffic Regulation Orders/Parking Orders is included as **Appendix B**

2.0 Eclipse Road and Jephcott Close, Alcester – Proposed No Waiting At Any Time (Plan in Appendix A)

- 2.1 Eclipse Road and Jephcott Close are situated to the north of Alcester town between the Birmingham Road and the A435 Alcester Bypass. Planning has been approved for a housing development to be accessed via a new road off Eclipse Road. In the interest of road safety and to facilitate the free passage of traffic Warwickshire County Council proposes to introduce sections of No Waiting At Any Time.
- 2.2 The following objection has been received.

Objection

Almost the only parking on these roads is done by pupils of the Alcester Grammar School, which has always been unable or unwilling to provide parking. During school hours the parked cars have the benefit of encouraging everyone to drive carefully on Eclipse Road; many of us on the estate have felt it better for pupils to park where they are at present than force them to look elsewhere with the high probability of them parking outside our house. I

see no reference to any change to parking restrictions elsewhere on the estate you will only be moving the problem from one place to another with even more serious potential dangers to residents and the school children who are driving the cars by definition are all young inexperienced drivers.

Response

Planning consent has been granted for the construction of some 190 dwellings on land situated to the west of Eclipse Road and to be accessed via Eclipse Road. At present vehicles parking on both sides of Eclipse Road reduce the width of the road to single lane running. The proposed restrictions will provide junction protection and allow for the free flow of traffic, removing the situation of confrontation and congestion from opposing traffic. Alcester Grammar School has a school travel plan in place to encourage the use of sustainable transport to try and reduce the impact that school attendance has on the surrounding area. We will monitor the situation to see if any further measures are required in the future.

2.3 Recommendation

That the proposals shown on the plan in Appendix A be implemented as advertised.

3.0 Background papers

3.1 Email objection.

4.0 Financial Implications

4.1 All changes will be developer funded from an existing 106 agreement.

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Portfolio Holder for Transport & Planning 23 Jan 2015

Variation 22

Proposed No waiting At Any Time

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Statutory Criteria for Decisions on Making Traffic Regulation Orders and Parking Orders

1. The Road Traffic Regulation Act 1984 enables the Council to implement Traffic Regulation Orders (TROs) for one or more of the following purposes:-
 - (i) avoiding danger to persons or traffic;
 - (ii) preventing damage to the road or to buildings nearby;
 - (iii) facilitating the passage of traffic;
 - (iv) preventing use by unsuitable traffic;
 - (v) preserving the character of a road especially suitable for walking and horse riding;
 - (vi) preserving or improving amenities of the area through which the road runs;
 - (vii) for any of the purposes specified in Section 87(1)(a) to (c) of the Environment Act 1995 in relation to air quality.
2. TROs are designed to regulate, restrict or prohibit the use of a road or any part of the width of a road by vehicular traffic or pedestrians. Permanent TROs remain in force until superseded or revoked.
3. TROs must not have the effect of preventing pedestrian access at any time, or preventing vehicular access for more than 8 hours in 24, to premises on or adjacent to the road. This restriction does not apply if the Council states in the order that it requires vehicular access to be limited for more than 8 hours in 24.
4. The Road Traffic Regulation Act 1984 also enables the Council to make orders authorising the use of part of a road as a parking place without charge, for the purpose of preventing or relieving congestion, and enables the Council to make orders designating parking places on highways with a charge. In determining what parking places are to be designated, the Council shall consider both the interests of traffic, and those of the owners/occupiers of adjoining property and in particular:-
 - (i) The need for maintaining the free movement of traffic;
 - (ii) The need for maintaining reasonable access to premises; and
 - (iii) The extent to which off-street parking is available in the neighbourhood.
5. In deciding whether or not to make any order, the Council is required to have regard to the matters set out in section 122 of the 1984 Act. Section 122(1) requires the Council to exercise the functions conferred on it by the 1984 Act as (so far as practicable, having regard to the matters specified in Section 122(2)) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians), and the provision of suitable and adequate parking facilities on and off the highway.
6. The matters to which the Council must have regard are:-

- (i) The desirability of securing and maintaining reasonable access to premises;
 - (ii) The effect on the amenities of any locality affected, and the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run;
 - (iii) The national air quality strategy prepared under Section 80 of the Environmental Protection Act 1995;
 - (iv) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles;
 - (v) Any other matters appearing to the Council to be relevant
7. Therefore, whilst the overall objective of the Council must be to secure the expeditious, convenient and safe movement of vehicular traffic, this will sometimes need to give way to the objectives in Section 122(2), and a balance has to be achieved between the overall objective and the matters set out in Section 122(2).